

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

ELIJAH WELLS, by and through his mother  
SUZANNE GLOVER,

Plaintiff,

v.

CREIGHTON PREPARATORY SCHOOL, in  
its official capacity,

Defendant.

Case No. 8:21-cv-322

**MOTION TO DISMISS**

**Fed. R. Civ. P. 12(b)(6)**

**and**

**Fed. R. Civ. P. 12(b)(1)**

COMES NOW Defendant, Creighton Preparatory School, by and through counsel, and hereby requests this Court to enter an Order dismissing Plaintiff's Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6) and Fed. R. Civ. P. 12(b)(1). In support of its Motion, Defendant shows to the Court as follows:

1. On August 24, 2021, Plaintiff filed his Complaint with this Court.
2. On February 1, 2022, Plaintiff filed his Amended Complaint with this Court.
2. Plaintiff's Amended Complaint alleges that Defendant is liable to Plaintiff under Title IX. Plaintiff's Complaint also alleges that Defendant breached a contract between Plaintiff and Defendant.
3. This Court should dismiss Plaintiff's Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6).
4. This Court should also dismiss Plaintiff's Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(1).
5. Defendant has filed Defendant's Brief in Support of Motion to Dismiss simultaneously with this filing.

WHEREFORE, Defendant Creighton Preparatory School requests this Court to enter an Order dismissing Plaintiff's Amended Complaint, for the costs of this action, and for such other and further relief as this Court may allow.

Dated this 11<sup>th</sup> day of February, 2022.

CREIGHTON PREPARATORY SCHOOL,  
Defendant

By: /s/Patrick M. Flood

Patrick M. Flood, #19042

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 11<sup>th</sup> day of February, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification to the following:

Keith L. Altman  
LAW OFFICE OF KEITH ALTMAN  
33228 West 12 Mile Road, Suite 375  
Farmington Hills, MI 48334

/s/ Patrick M. Flood